



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.21312 of 2021

V.Newshika

... Petitioner

-Vs-

1.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

2.The Assistant Superintendent of Police,
Vallioor Sub-Division,
Tirunelveli District.

3.The State rep. by
The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.

4.John Britto
The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent and third respondent to take necessary action against the fourth respondent for creating document by forging petitioner signature by abusing his official position.

For Petitioner	: Mr.A.Robinson
For Respondents	: Mr.T.Senthil Kumar
	Additional Public Prosecutor

ORDER

This Writ Petition has been filed for directing the third respondent to take action against the fourth respondent based on the petitioner's representation.

2. The petitioner's husband Thiru.Anton Xavier Vinister was implicated in a murder case in Crime No.337 of 2021 on the file of the Koodankulam Police Station. As per the safeguards evolved by the Hon'ble Supreme Court, after an accused is arrested, his relative or next friend will have to be intimated. In this case, arrest memo said to have been served on the petitioner was actually not served.



3. The specific allegation of the petitioner is that the fourth respondent forged the petitioner's signature in the arrest memo. Since the petitioner's complaint in this regard has not been acted upon, this Writ Petition came to be filed.

4. It has been held in more than one case that when proper remedies are available under Cr.P.C., the question of filing a writ petition for directing registration of the case does not arise at all. Leaving open the petitioner's other remedies, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

2.The Assistant Superintendent of Police,
Vallioor Sub-Division,
Tirunelveli District.

3.The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.

+1 CC to M/s.A.ROBINSON, Advocate (SR-36826[F] dated 01/12/2021)

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